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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/595,005	06/16/00	CAWSE	J RD-27,442/US

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CRD PATENT DOCKET ROOM 4A59  
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EXAMINER

HARTTER, A

ART UNIT

PAPER NUMBER

1631

DATE MAILED:

09/25/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/595,005

Applicant(s)

CAWSE ET AL.

Examiner

Amy Hartter

Art Unit

1631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-41 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: 948 Attachment

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-33 & 40, drawn to a method of classification, classified in class 702, subclass 19. If this Group is elected, then an election of one of the listed species is required in each specie sets A and B. There are two species election requirements within Group I. They are:

A. Synthesizing a population of entities and

B. Executing a genetic algorithm on said entities to identify a second population of entities.

The A species are as follows, which are distinct due to no-overlapping subject matter:

A-1. Random identification of populations of entities e.g. claim 3

A-2. A third population of entities synthesized e.g. claim 11

A-3. The liquid/ gas/ film reaction e.g. claim 13

A-4. The synthesis of an array, e.g. claim 22

A-5. The catalyst system comprising a Group VIII B metal

A-6. The catalyst system comprising palladium e.g. Claim 30

A-7. The catalyst system comprising a halide composition e.g. Claim 31

A-8. The catalyst system comprising an inorganic cocatalyst e.g. Claim 32

A-9. The catalyst system comprising a combination of cocatalysts e.g.

Claim 33

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B. Executing a genetic algorithm based on said properties of said entities to identify a second population of entities.

The B species are as follows, which are distinct species in a Markush group in claim 2 for example:

B-1. Mutation

B-2. Crossover

B-3. Mutation and selection

B-4. Crossover and selection

B-5. Mutation, crossover and selection.

II. Claims 34-39, drawn to a method of preparation of diaryl carbonate classified in class 585, subclass 400. The species election of B mentioned above applies to this Group as well.

III. Claim 41, drawn to a system for determining a problem solution, classified in class 702, subclass 19.

### **DETAILED ACTION**

The three groups differ in the nature of their methods or system. The first Group deals with a method of classification, which is used, for the identification of different population of entities. This differs from the second Group in that the second Group is concerned with the preparation of a chemical compound and the third group deals with a system whose purpose is to determine and select a problem solution.

Groups II and III differ from each other because Group II deals with the production of a chemical compound and the third Group concerns itself with a system product which is used for the determination of a problem solution.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

Applicant is also hereby notified that the required timing for correction of drawings has changed. See the last 6 lines on the sheet, which is attached, entitled "Attachment for PTO-948 (rev. 03/01 or earlier)". Due to the above notification Applicants are required to submit drawing corrections within the time period set for responding to this Office Action. Failure to respond to this requirement may result in abandonment of the instant application or a notice of a failure to respond to this Office Action.

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Any inquiry concerning this communication or earlier communications from this examiner should be directed to Amy Hartter whose telephone number is (703) 305-1696. The examiner can normally be reached M-F from 8:00 to 4:30 p.m. (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached at (703) 305-4028. The fax phone numbers for the group are (703) 308-4242 and (703) 305-3014.

Any inquiry of a general nature relating to the status of this application should be directed to the Patent Analyst, Kim Davis, whose telephone number is (703) 305-3015 or to the Technical Center Receptionist whose telephone number is (703) 308-0196.



Amy Hartter

(703) 305-1696



ARDIN H. MARSCHEL  
PRIMARY EXAMINER